

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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ELECTRONICALLY FILED  
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DATE FILED: 8/9/19

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UNITED STATES OF AMERICA

- v. -

RICHARD D. HART,

Defendant.

:  
: CONSENT PRELIMINARY ORDER  
: OF FORFEITURE/  
: MONEY JUDGMENT  
:  
: S1 17 Cr. 248 (VSB)

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WHEREAS, on or about January 10, 2019, RICHARD D. HART (the “defendant”) was charged in a one-count Information (the “Information”) with conspiracy to commit an offense against the United States, namely, mail fraud and wire fraud, in violation of Title 18, United States Code, Section 371 (Count One);

WHEREAS, the Information included a forfeiture allegation as to Count One, seeking forfeiture to the United States, pursuant to Title 18, United States Code, Section 981(a)(1)(C) and Title 28, United States Code, Section 2461(c), of any and all property, real or personal, that constitutes or is derived, directly or indirectly, from proceeds traceable to the commission of the offense alleged in Count One of the Information, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of the offense alleged in Count One of the Information;

WHEREAS, on or about January 10, 2019, the defendant pled guilty to Count One of the Information and admitted to the forfeiture allegation with respect to Count One of the Information pursuant to a plea agreement with the Government, wherein the defendant agreed to

forfeit a sum of money equal to \$123,107 in United States currency, representing proceeds traceable to the commission of the offense charged in Count One of the Information;

WHEREAS, the defendant consents to the entry of a money judgment in the amount of \$123,107 in United States currency, representing the amount of proceeds traceable to the offense charged in Count One of the Information that the defendant personally obtained; and

WHEREAS, the defendant admits that, as a result of acts and/or omissions of the defendant, the proceeds traceable to the offense charged in Count One of the Information that the defendant personally obtained cannot be located upon the exercise of due diligence.

IT IS HEREBY STIPULATED AND AGREED, by and between the United States of America, by its attorney Geoffrey S. Berman, United States Attorney, Assistant United States Attorney David Raymond Lewis, and the defendant, and his counsel, Eric Mark Sears, Esq., that:

1. As a result of the offense charged in Count One of the Information, to which the defendant pled guilty, a money judgment in the amount of \$123,107 in United States currency (the "Money Judgment"), representing the amount of proceeds traceable to the offense charged in Count One of the Information that the defendant personally obtained, shall be entered against the defendant.

2. Pursuant to Rule 32.2(b)(4) of the Federal Rules of Criminal Procedure, this Consent Preliminary Order of Forfeiture/Money Judgment is final as to the defendant, RICHARD D. HART, and shall be deemed part of the sentence of the defendant, and shall be included in the judgment of conviction therewith.

3. All payments on the outstanding Money Judgment shall be made by postal money order, bank or certified check, made payable in this instance to the “United States Marshals Service,” and delivered by mail to the United States Attorney’s Office, Southern District of New York, Attn: Money Laundering & Transnational Criminal Enterprises Unit, One St. Andrew’s Plaza, New York, New York 10007, and shall indicate the defendant’s name and case number.

4. The United States Marshals Service is authorized to deposit the payments on the Money Judgment in the Assets Forfeiture Fund, and the United States shall have clear title to such forfeited property.

5. Pursuant to 21 U.S.C. § 853(p), the United States is authorized to seek forfeiture of substitute assets of the defendant up to the uncollected amount of the Money Judgment.

6. Pursuant to Rule 32.2(b)(3) of the Federal Rules of Criminal Procedure, the United States Attorney’s Office is authorized to conduct any discovery needed to identify, locate, or dispose of forfeitable property, including depositions, interrogatories, requests for production of documents, and the issuance of subpoenas.

7. The Court shall retain jurisdiction to enforce this Consent Preliminary Order of Forfeiture/Money Judgment, and to amend it as necessary, pursuant to Rule 32.2 of the Federal Rules of Criminal Procedure.


8. The Clerk of the Court shall forward three certified copies of this Consent Preliminary Order of Forfeiture/Money Judgment to Assistant United States Attorney Alexander J. Wilson, Co-Chief of the Money Laundering and Transnational Criminal Enterprises Unit, United States Attorney’s Office, One St. Andrew’s Plaza, New York, New York 10007.

9. The signature page of this Consent Preliminary Order of Forfeiture/Money Judgment may be executed in one or more counterparts, each of which will be deemed an original but all of which together will constitute one and the same instrument.

AGREED AND CONSENTED TO:

GEOFFREY S. BERMAN  
United States Attorney for the  
Southern District of New York

By:



DAVID RAYMOND LEWIS  
Assistant United States Attorney  
One St. Andrew's Plaza  
New York, NY 10007  
(212) 637-2397

7/17/19  
DATE

RICHARD D. HART

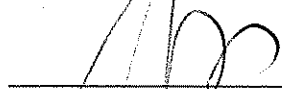
By:



RICHARD D. HART

7/17/19  
DATE

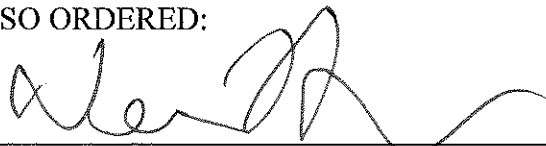
By:



ERIC MARK SEARS, ESQ.  
115 Broadway, Suite 1704  
New York, New York 10006  
Attorney for Defendant

7/17/19  
DATE

SO ORDERED:



HONORABLE VERNON S. BRODERICK  
UNITED STATES DISTRICT JUDGE

7/17/19  
DATE